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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,151	11/21/2001	Toshiki Kindo	P21724	9437

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EXAMINER

THAI, HANH B

ART UNIT PAPER NUMBER

2161

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/989,151	<b>Applicant(s)</b> KINDO ET AL.	
	<b>Examiner</b> Hanh B Thai	<b>Art Unit</b> 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on amendment filed September 30, 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 20-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/16/04</u> . | 6) <input type="checkbox"/> Other: _____  |

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This is in response to amendment filed September 30, 2004 in which claims 1-19 have been canceled and claims 20-28 are newly added.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed September 30, 2004 have been fully considered but they are not persuasive.

Applicant argues on page 12 that "Klein does not store a personal profile in which evaluation values of keywords provide from an information distribution provider are learned." Examiner respectfully disagrees. The claimed limitation "stores a personal profile in which an evaluation value of a keyword contained in distribution information provided from a first information distribution provider with the keyword is learned in advance based on preference information" merely reads on the fact that the system of Klein stores user and item information including keywords in profiles and learns what item the user is interested in (col.3, line 43 to col. 4, line 6 and col. 5, lines 13-27).

Applicant argues on page 12 that "Klein fails to disclose or suggest additional features required in Applicant's claimed filtering method." Examiner respectfully disagrees. Klein discloses the filtering mechanism to filter the user content-based items from a domain or many domains (see col.1, lines 47-63 and co.3, lines 51-54, Klein).

Applicant argues on pages 12-13 that "Klein does not disclose or suggest maintaining the accuracy of this user profile." Examiner respectfully points out that this is not claimed.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 20-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Klein et al. (US Patent no. 5,872,850) applicant provided.

Regarding claim 20, Klein discloses an information distribution system, comprising:

- a storage section that stores a personal profile in which an evaluation value of a keyword contained in distribution information provided from a first information distribution provider with the keyword is learned in advance based on preference information (col. 1, lines 47-51 and col.3, line 43 to col. 4, line 6; col. 5, lines 13-27 and col. 6, lines 3-9, Klein); and
- an information distributor that rates said distribution information provided from said first information distribution provider with the keyword based on said personal profile and sends said distribution information to a client, wherein said information distributor rates distribution information provided from a second information distribution provider with a keyword based on said personal profile and sends said distribution information to the client (col.1, lines 47-63; col.4, lines 7-60; col. 5, lines 13-27. Klein discloses the filtering mechanism to filter the user content-based items from a domain or many domains at col.1, lines 47-63 and col.3, lines 51-54. Therefore, Klein teaches the claimed feature of the

distribution information pieces from one or many different information providers and Klein further discloses at col. 2, lines 41-48 the distributed system that transmit data to a node which corresponds to the client that must include the distribution information provider).

Regarding claim 21, Klein discloses the information distribution system of claim 20, wherein said information distributor comprises a first information filter that rates said distribution information from said first information distribution provider based on said evaluation value registered in said personal profile in correspondence to said keyword contained in said distribution information, and sends said distribution information to the client, and a second information filter that rates said distribution information from said second information distribution provider based on said evaluation value registered in said personal profile in correspondence to said keyword contained in said distribution information, and sends said distribution information to the client (see col.1, lines 47-63 and co.3, lines 51-54, Klein discloses the filtering mechanism to filter the user content-based items from a domain or many domains at col.1, lines 47-63 and co.3, lines 51-54, Klein. Therefore, Klein teaches the plurality of filtering of the distribution information pieces from one or many different information providers).

Regarding claim 22, Klein discloses the information distribution system of claim 21, wherein said first information filter performs a learning process that changes said evaluation value of the keyword contained in said distribution information from said first information distribution provider in said personal profile, based on said distribution information and preference information of the client about said distribution information, and wherein said second information filter does not perform said learning process based on said distribution information

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from said second information distribution provider (col. 3, lines 54-63 and col. 6, line 62 to col. 7, line 10).

Regarding claim 23, Klein discloses the information distribution system of claim 20, wherein said distribution information from said first information distribution provider comprises more keywords than said distribution information from said second information distribution provider (col.1, lines 47-63; col.4, lines 7-60; col. 5, lines 13-27).

Regarding claim 24, Klein discloses the information distribution system of claim 20, wherein said distribution information from said first information distribution provider comprises a newspaper article, and wherein said distribution information from said second information distribution provider comprises a product advertisement (col.31, lines 38-49).

Regarding claim 25, Klein discloses an information distribution apparatus, comprising:

- a storage device that stores a personal profile, in which an evaluation value of a keyword contained in distribution information provided from a first information distribution provider with said keyword is learned in advance, based on preference information (col. 1, lines 47-51 and col.3, line 43 to col. 4, line 6);
- a first information filter that rates said distribution information from said first information distribution provider based on said evaluation value registered in said personal profile in correspondence to said keyword contained in said distribution information, sends said distribution information to a client, and performs a learning process that changes said evaluation value of said keyword contained in said distribution information and preference information of the client about said distribution information col. 23, lines 20-28;

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- a second information filter that rates distribution information from a second information distribution provider based on said evaluation value registered in said personal profile in correspondence to said keyword contained in said distribution information, sends said distribution information to the client, but does not perform said learning process based on said distribution information from said second information distribution provider (col.1, lines 47-63 and co.3, lines 51-54, Klein discloses the filtering mechanism to filter the user content-based items from a domain or many domains at col.1, lines 47-63 and co.3, lines 51-54, Klein. Therefore, Klein teaches the plurality of filtering of the distribution information pieces from one or many different information providers.

Regarding claim 26, Klein discloses an information distribution method, comprising:

- rating distribution information provided from a first information distribution provider with a keyword based on a personal profile in which an evaluation value of the keyword in the distribution information is learned in advance, based on preference information (col.4, lines 20-25; col.5, lines 2-27), and
- sending the distribution information to a client, wherein distribution information provided from a second information distribution provider with a keyword is rated based on the personal profile and sent to the client (col.1, lines 47-63; col. 2, lines 41-48; col.4, lines 7-60; col. 5, lines 13-7).

Regarding claim 27, Klein discloses the information distribution method of claim 26, further comprising: rating the distribution information from the second information distribution

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provider based on the evaluation value registered in the personal profile in correspondence to the keyword contained in the distribution information (col.1, lines 47-63; col.4, lines 7-60; col. 5, lines 13-27).

Regarding claim 28, Klein discloses the information distribution method of claim 26, further comprising: performing a learning process that changes the evaluation value of the keyword contained in the distribution information from the first information distribution provider in the personal profile, based on the distribution information and preference information of the client about the distribution information; and not performing the learning process based on the distribution information from the second information distribution provider (col.3, line 43 to col. 4, line 6; col. 6, line 62 to col. 7, line 10 and col. 5, lines 13-27. Klen discloses the system that stores user and item information including keywords in profiles and learns what item the user is interested in have to change the evaluation value).

### ***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bailey et al (US 6,820,076 B2) discloses a database system facilitating parametric searching.

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**



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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B Thai whose telephone number is 571-272-4029. The examiner can normally be reached on 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh B Thai  
Examiner  
Art Unit 2161

January 21, 2005

  
UYEN LE  
PRIMARY EXAMINER